1	PINNOCK & WAKEFIELD, A.P.C. David C. Wakefield, Esq. Bar #: 185736	
2	Michelle L. Wakefield, Esq. Bar #: 200424 3033 Fifth Avenue, Suite 410 San Diego, CA 92103	
4	Telephone: (619) 858-3671 Facsimile: (619) 858-3646	
5	Attorneys for Plaintiffs	
6		
7	UNITED STATES DISTRICT COURT	
8	NORTHERN DISTRICT OF CALIFORNIA	
9		
10	ROBERT MCCARTHY, An Individual,	Case No.: C06-0948 MMC
11	Plaintiff,	STIPULATED DISMISSAL AND
12	v.	DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS FROM
13	EMERYVILLE HOTEL DEVELOPMENT	PLAINTIFFS' COMPLAINT AND PLAINTIFFS' COMPLAINT IN ITS
14	VENTURE, L.P., d.b.a. FOUR POINTS HOTEL BY SHERATON SAN FRANCISCO	ENTIRETY AND ORDER THEREON.
15	BAY BRIDGE a.k.a. THE FOUR POINTS BY SHERATON EMERYVILLE;	
16	EMERYVILLE HOTEL DEVELOPMENT	[Fed.R.Civ.P. Rule 41(a)(2)]
17	VENTURE, L.P.; PACIFIC HOTEL MANAGEMENT, LLC; JRR, LLC, d.b.a.	[1 cd.iv.]. Rule $[1(u)(2)]$
18	LYONS RESTAURANT; JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT;	
19	EMERYVILLE HOTEL DEVELOPMENT	
20	VENTURE II, L.P; And DOES 1 THROUGH 10, Inclusive,	
21	Defendants.	
22	Defendants.	
23		
24		
25		
26	IT IS HEREBY STIPULATED by and b	etween Robert McCarthy, An Individual,
27	Plaintiff, on the one hand, and Defendants EMERYVILLE HOTEL DEVELOPMENT	
28	VENTURE, L.P.; EMERYVILLE HOTEL DEVE	LOPMENT VENTURE II, L.P.; and PACIFIC
		1 Case Number: C06-0948 MMC

Document Date: August 4, 2006

1	HOTEL MANAGEMENT, LLC, on the other hand, through their respective attorneys of record	
2	that, pursuant to Federal Rules of Civil Procedure, Rule 41 (a)(1) and (2), this Court enter a	
3	dismissal with prejudice of Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE,	
4	L.P., d.b.a. FOUR POINTS HOTEL BY SHERATON SAN FRANCISCO BAY BRIDGE a.k.a.	
5	THE FOUR POINTS BY SHERATON EMERYVILLE; EMERYVILLE HOTEL	
6	DEVELOPMENT VENTURE, L.P.; PACIFIC HOTEL MANAGEMENT, LLC; JRR, LLC,	
7	d.b.a. LYONS RESTAURANT; JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT;	
8	EMERYVILLE HOTEL DEVELOPMENT VENTURE II, LP from Plaintiffs' Complaint, Case	
9	Number: C06-0948 MMC. Additionally, Plaintiffs request that the Complaint be dismissed with	
10	prejudice in its entirety.	
11		
12	IT IS SO STIPULATED.	
13		
14	Dated: September 28, 2006	PINNOCK & WAKEFIELD,A.P.C.
15	Dated. September 26, 2000	THROOK & WAREFIELD, A.I. C.
13		
16	By:	/s/
	By:	DAVID C. WAKEFIELD, ESQ.
16	By:	
16 17	By:	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ.
16 17 18	By: Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ.
16 17 18 19	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP
16 17 18 19 20		DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff
16 17 18 19 20 21	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP /s/_ DAVID H. RAIZMAN, ESQ. Attorney for Defendants EMERYVILLE HOTEL
16 17 18 19 20 21 22	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP /s/_ DAVID H. RAIZMAN, ESQ. Attorney for Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; EMERYVILLE HOTEL DEVELOPMENT
16 17 18 19 20 21 22 23	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP /s/_ DAVID H. RAIZMAN, ESQ. Attorney for Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.;
16 17 18 19 20 21 22 23 24	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP /s/_ DAVID H. RAIZMAN, ESQ. Attorney for Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, L.P.; and PACIFIC HOTEL
16 17 18 19 20 21 22 23 24 25	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP /s/_ DAVID H. RAIZMAN, ESQ. Attorney for Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, L.P.; and PACIFIC HOTEL
16 17 18 19 20 21 22 23 24 25 26	Dated: September 28, 2006	DAVID C. WAKEFIELD, ESQ. MICHELLE L. WAKEFIELD, ESQ. Attorneys for Plaintiff BRYAN CAVE, LLP /s/_ DAVID H. RAIZMAN, ESQ. Attorney for Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, L.P.; and PACIFIC HOTEL

Document Date: August 4, 2006

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ORDER ON NOTICE OF DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY

IT IS HEREBY ORDERED that Defendants EMERYVILLE HOTEL

DEVELOPMENT VENTURE, L.P., d.b.a. FOUR POINTS HOTEL BY SHERATON SAN

FRANCISCO BAY BRIDGE a.k.a. THE FOUR POINTS BY SHERATON EMERYVILLE;

EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; PACIFIC HOTEL

MANAGEMENT, LLC; JRR, LLC, d.b.a. LYONS RESTAURANT; JASSI DHILLON, INC.,

d.b.a. LYONS RESTAURANT; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, LP

are dismissed with prejudice from Plaintiffs' Complaint, Case Number: C06-0948 MMC.

Additionally, Plaintiffs' Complaint is dismissed with prejudice in its entirety.

IT IS SO ORDERED.

Dated: October 26, 2006

Document Date: August 4, 2006

HONORABLE MAXINE M. CRUSNEY
UNITED STATES DISTRICT COURT JUDGE

Case Number: C06-0948 MMC